

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-20, 22, 23, 27-38, 51-68, 76-87, 101-119, 121, 122, 124, 125, 127-129, 131-133, 135-137, and 139-142 are currently pending in this application. Claims 12, 60, 62-64, 66-68, 101-109, 115, 117, 118, 121, 122, 124, 125, 128, 129, 132, 133, 136, 137, 139, and 140 have been canceled by this reply, without prejudice or disclaimer. Claims 1, 51, and 141 are independent. The remaining claims depend, directly or indirectly, from claims 1, 51, and 141.

Claim Amendments

Independent claims 1, 51, and 141 have been amended to recite receiving at least one encrypted program, displaying an unencrypted version of the encrypted program in a mosaic formation, and prohibiting one of audio and video access to the unencrypted version of the encrypted program displayed in the mosaic, when access rights for the encrypted program are not available. Dependent claims have been amended to correct minor informalities and to comply with the amended independent claims.

Support for these amendments may be found, for example, at least on pages 16-17 of the Instant Specification, and in the originally filed claims of the present application. No new subject matter is added by way of these amendments.

Rejections under 35 U.S.C. § 103

Claims 1-6, 8, 15-18, 28, 30, 31, 33, 35, 38, 39, 51-55, 65, 76, 78, 79, 83, 84, 86, 87, 102, 108, 111, 112, 119, 125, 127, 129, 131, 133, and 139-142 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,181,364 ("Ford") in view of US Patent No. 5,903,314 ("Nijima"). Claims 39, 102, 108, 125, 129, 133, 139, and 140 have been canceled by this reply. Thus, this rejection is now moot with respect to claims 39, 102, 108, 125, 129, 133, 139, and 140. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

As described above, the independent claims of the present application have been amended to recite "receiving a mosaic comprising a plurality of unencrypted programs, including the at least one encrypted program in unencrypted form...wherein the decoder is configured to prohibit one of audio access or visual access to the selected program in the mosaic upon a determination that complete access rights are not available for the corresponding at least one encrypted program." Said another way, there are two channels involved in the present invention. The first is the mosaic channel, which displays *unencrypted forms* of channels available for viewing to a user, and the second is the channel corresponding to the program that is selected by the user in the mosaic formation. The user is only permitted to view the channel corresponding to the program that is selected if access rights to the selected program are available. If access rights are not available for the selected channel, then the version of the selected channel that is displayed in the mosaic formation is displayed with either audio or visual access prohibited (*see* Specification, pages 16-17).

To establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." (*See* MPEP §2143.03). Further, "all words in a claim must be considered in judging the patentability of that claim against

the prior art.” (See MPEP §2143.03). The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of amended independent claims 1, 51, and 141.

Turning to the rejection of the claims, the Examiner acknowledges that Ford fails to teach or suggest displaying programs in a mosaic formation (see Office Action mailed February 27, 2007, page 6). Applicant asserts that Ford also fails to teach or suggest the following limitations of the independent claims:

- (i) Ford fails to teach or suggest displaying an encrypted program in unencrypted form, such that a user can select a program from the mosaic, in unencrypted form. Nothing in Ford permits selection of programs via a mosaic channel, which is a distinct channel from the main channel corresponding to each encrypted program. In fact, a set up in which an encrypted program and an unencrypted version of the program exist, is not thought of by Ford.
- (ii) In addition, it follows from the above that Ford cannot possibly teach or suggest determining whether *access rights are available* for the encrypted program selected via the mosaic channel, where the same channel is displayed in unencrypted form.
- (iii) Ford also fails to teach or suggest prohibiting one of audio and visual access to the unencrypted programs in the mosaic formation for which *access rights are not available*. Rather, the cited portions of Ford (see Ford, col. 3, ll. 11-37, 64-67, col. 4, ll. 1-11, col. 5, ll. 56-67, and col. 6, ll. 1-37), teach blocking audio and/or video signals, or otherwise distorting a program, during an undesirable portion of the program. It is clear from reading Ford that Ford does not teach or

suggest blocking audio/video signal based on whether *access rights* to the program are received. Rather, Ford blocks audio/video signal based on *objectionable content* of the program. Thus, there is no need in the system of Ford to receive any type of access rights to the video signals/programs. Rather, the system of Ford is able to receive all programs in their entirety without dealing with access rights to the programs.

Further, Niijima fails to supply that which Ford lacks. In particular, Niijima fails to teach or suggest inhibiting video or audio for an unencrypted form of a program displayed in the mosaic when the decoder does not have the necessary access rights to the *encrypted version* of the program, which is not displayed in the mosaic formation. The Examiner asserts that Niijima discloses that a user may view a “preview” of a program, which results in the user not having complete access rights to the program that is being previewed. However, this “preview” in Niijima has nothing to do with whether the decoder obtains access rights to the encrypted version of the program that is being previewed. Rather, because Niijima does not disclose that the channels in the mosaic of Niijima are *different* in any way from the “full channels” that a user can view, it is clear that the decoder of Niijima’s system has complete access to all the channels. The decoder of Niijima does not need to determine whether access rights exist for previewed programs. In other words, the preview channel of Niijima is a separate channel from the complete video program channel, and therefore, both channels must be treated differently with respect to access rights. There is no mention of preview access rights in Niijima, just as there is no mention of access rights with respect to any full program. Thus, it is clear that Niijima fails to teach or suggest prohibiting one of audio and visual access to an unencrypted version of an encrypted program based on *access rights received by the decoder*.

In view of the above, it is clear that amended independent claims 1, 51, and 141 are patentable over Ford and Nijima, whether considered separately or in combination. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 7 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford and Nijima, and further in view of U.S. Patent No. 5,758,259 ("Lawler"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford and Nijima fail to teach the limitations of independent claims 1 and 51. Further, Lawler fails to supply that which Ford and Nijima lack, as evidenced by the fact that the Examiner relies on Lawler solely for the purpose of disclosing that audio information is prohibited if the cursor is positioned over a mosaic window for longer than a predetermined length of time (*see* Office Action mailed February 27, 2007, page 17).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Ford, Nijima, and Lawler, whether considered separately or in combination. Dependent claims 7 and 56 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9, 10, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford, Nijima, and further in view of U.S. Patent No. 5,874,936 ("Berstis"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford and Nijima fail to teach the limitations of independent claims 1 and 51. Further, Berstis fails to supply that which Ford and Nijima lack, as evidenced by the fact that the Examiner relies on Berstis solely for the purpose of disclosing a "automatically re-

positioning the cursor in the event that the cursor is placed over the window that is not active,” where the cursor is repositioned either immediately or after a predetermined length of time (*see* Office Action mailed February 27, 2007, page 18).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Ford, Nijjima, and Berstis, whether considered separately or in combination. Further, dependent claims 9, 10, 57, and 58 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 59, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford and Nijjima, and further in view of U.S. Publication No. 2003/0101452 (“Hanaya”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford and Nijjima fail to teach the limitations of independent claims 1 and 51. Further, Hanaya fails to supply that which Ford and Nijjima lack, as evidenced by the fact that Hanaya is relied upon solely for the purpose of disclosing changing attributes of a cursor depending on the characteristic of a program/channel displayed in a window over which the cursor is positioned (*see* Office Action mailed February 27, 2007, page 19).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Ford, Nijjima, and Hanaya, whether considered separately or in combination. Further, dependent claims 11, 13, 59, and 61 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12, 60, 63, 64, 66, 68, 101, 107, 118, 124, 128, and 132 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima in view of Hanaya and Berstis. Claims 12, 60,

63, 64, 66, 68, 101, 107, 118, 124, 128, and 132 have been canceled by this reply, thus this rejection is now moot.

Claims 14 and 110 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford, Niijima, Hanaya and further in view of US. Patent No. 5,809,204 (“Young”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford, Niijima, and Hanaya fail to teach the limitations of independent claims 1 and 51. Further, Young fails to supply that which Ford, Niijima, and Hanaya lack, as evidenced by the fact that Young is relied upon solely for the purpose of disclosing receiving data for assigning the characteristic from a remote control handset (*see* Office Action mailed February 27, 2007, page 24).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Ford, Niijima, Hanaya, and Young, whether considered separately or in combination. Dependent claims 14 and 110 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of WO 96/37996 (“Townsend”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford and Niijima fail to teach or suggest the limitations of independent claims 1 and 51. Further, Townsend fails to supply that which Ford and Niijima lack, as evidenced by the fact that Townsend is relied upon solely for the purpose of disclosing dialing up the communications center to supply a request for information about a displayed program and receiving

access rights from a remote control handset associated with the decoder (*see* Office Action mailed February 27, 2007, page 25).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Ford, Niijima, and Townsend, whether considered separately or in combination. Dependent claim 19 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, 23, 27, 103, 113, 114, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford, Niijima, and Young. Claim 103 has been canceled by this reply, thus is rejection is now moot with respect to claim 103. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

As described above, Ford and Niijima fail to teach or suggest the limitations of amended independent claims 1 and 51. Further, Young fails to supply that which Niijima lacks, as evidenced by the fact that for rejecting claims 20 and 113, Young is used by the Examiner solely for the purpose of disclosing a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window (*see* Office Action mailed February 27, 2007, pages 25-26). With respect to claims 22, 23, 114, and 116, the Examiner relies on Young solely for the purpose of disclosing a forthcoming schedule and the textual display of program schedule information (*see* Office Action mailed February 27, 2007, pages 25-26). With respect to claim 27, the Examiner uses Young solely for the purpose of disclosing that pictorial images comprise video footage (*see* Office Action mailed February 27, 2007, pages 25-26).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Ford, Niijima, and Young, whether considered separately or in combination. Dependent

claims 20, 22, 23, 27, 113, 114, and 116 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 29 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford, Nijima, Townsend, and further in view of U.S. Patent No. 5,969,748 (“Casement”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford, Nijima, and Townsend fail to teach the limitations of amended independent claims 1 and 51. Further, Casement fails to supply that which Ford, Nijima, and Townsend lack, as evidenced by the fact that the Examiner relies on Casement solely for the purpose of disclosing authenticating a PIN number and permitting access rights upon authentication of the PIN number (*see* Office Action mailed February 27, 2007, page 28). In view of the above, amended independent claims 1 and 51 are patentable over Ford, Nijima, Townsend, and Casement, whether considered separately or in combination. Dependent claims 29 and 77 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32, 80, and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford and Nijima, and further in view of U.S. Patent No. 5,663,757 (“Morales”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford and Nijima fail to teach all the limitations of amended independent claims 1 and 51. Further, Morales fails to supply that which Ford and Nijima lack, as evidenced by the fact that the Examiner relies on Morales solely for the purpose of disclosing logos on channels and images (*see* Office Action mailed February 27, 2007, pages 29). In view of the above, amended independent claims 1 and 51 are patentable over Ford, Nijima, and Morales, whether considered separately or in combination. Dependent claims 32, 80, and 81 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford and Nijima, and further in view of U.S. Publication No. 2001/0052135 ("Balakrishnan"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford and Nijima fail to teach all the limitations of amended independent claims 1 and 51. Further, Balakrishnan fails to supply that which Ford and Nijima lack, as evidenced by the fact that the Examiner relies on Balakrishnan solely for the purpose of disclosing an advertisement (*see* Office Action mailed February 27, 2007, pages 29-30). In view of the above, amended independent claims 1 and 51 are patentable over Ford, Nijima, and Balakrishnan, whether considered separately or in combination. Dependent claims 34 and 82 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37, 85, 105, and 122 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford and Nijima, and further in view of U.S. Patent No. 5,978,649 ("Kahn"). Claims 105 and 122 have been canceled by this reply. Thus, this rejection is now moot with respect to claims 105 and 122. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

As described above, Ford and Nijima fail to teach the limitations of amended independent claims 1 and 51. Further, Kahn fails to supply that which Ford and Nijima lacks, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of disclosing generating a message due to lack of access rights when a cursor is on a channel (*see* Office Action mailed February 27, 2007, page 30). In view of the above, amended independent claims 1 and 51 are patentable over Ford, Nijima, and Kahn, whether considered separately or in combination. Dependent claims 37

and 85 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 62, 68, 115, and 117 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of Hanaya and Berstis, and further in view of Young. Claims 62, 68, 115, and 117 have been canceled by this reply, thus this rejection is now moot.

Claim 67 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of Hanaya and Berstis, and further in view of Townsend. Claim 67 has been canceled by this reply, thus this rejection is now moot.

Claims 104 and 121 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of Hanaya and Berstis, and further in view of Kahn. Claims 104 and 121 have been canceled by this reply, thus this rejection is now moot.

Claim 106 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford in view of Niijima and Young, and further in view of Kahn. Claim 106 has been canceled by this reply, thus this rejection is now moot.

Claims 135 and 137 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford in view of Niijima and further in view of US Patent No. 5,594,509 ("Florin"). Claim 137 has been canceled by this reply; thus this rejection is now moot with respect to claim 137. With respect to claim 135, to the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Ford and Niijima fail to teach the limitations of amended independent claims 1 and 51. Further, Florin fails to supply that which Ford and Niijima lack, as evidenced by the fact that the Examiner relies on Florin solely for the purpose of disclosing maintaining a

window displaying a channel and program in a constant position in the mosaic formation (*see* Office Action mailed February 27, 2007, page 35). In view of the above, amended independent claims 1 and 51 are patentable over Ford, Niijima, and Florin, whether considered separately or in combination. Dependent claim 135 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 136 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima in view of Hanaya and Berstis and further in view of Florin. Claim 136 has been canceled by this reply, thus this rejection is now moot.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/028001).

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Respectfully submitted,

By 

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